

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MARSHALL FEATURE RECOGNITION,
LLC,

Plaintiff,

v.

PEPSI-COLA COMPANY, and FRITOLAY,
INC.,

Defendants.

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Case No. 6:12-cv-00956-JRG-RSP


ORDER

Before the Court are Defendants' Objections and Appeal of Magistrate's Report and Recommendation (Dkt. No. 36, filed September 23, 2015.) The Magistrate Judge's Report recommended that Defendants' Rule 12(b)(1) Motion to Dismiss Based on Lack of Jurisdiction be denied. (Dkt. No. 26.)

After reviewing the objected to portions of the Report and Recommendation *de novo*, the Court finds that the Report and Recommendation should be **ADOPTED**. Accordingly, Defendants' Rule 12(b)(1) Motion to Dismiss Based on Lack of Jurisdiction (Dkt. No. 26) is hereby **DENIED**.

So Ordered and Signed on this

Sep 27, 2015



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE